

## **REMARKS**

In response to the Office Action mailed April 10, 2003, Applicant respectfully requests reconsideration of this application, as amended, and consideration of the following remarks.

### **Unreturned 1449 Form**

The Applicant again respectfully brings to the Examiner's attention that an IDS form 1449 submitted in July of 1999 has not yet marked and returned by the Examiner. The 1449 was stamped as received by OIPE on July 19, 1999. If the Examiner is unable to locate the 1449 in question, Applicant respectfully requests the Examiner contact Applicant's counsel as set forth below so a copy can be provided to the Examiner for consideration and return with the next communication.

### **Amendments**

#### ***Amendments to the Claims***

Applicant has amended claims 11, 21 and 36 to more particularly point out that the claimed invention operates local to the viewer. No new matter has been added as a result of these amendments.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 103***

#### **Claims 11-18, 21-33, 36, 37, 43-48, 50-52 and 58-60**

Claims 11-18, 21-33, 36, 37, 43-48, 50-52 and 58-60 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 5,699,107 to Lawler in view of U.S. Patent 5,583,560 to Florin and U.S. Patent 5,659,653 to Diehl. Applicant notes that claim 33 was cancelled in the previous response and omits the claim from the following arguments. Applicant respectfully submits that the combination of Lawler, Florin and Diehl cannot render Applicant's invention obvious because the combination does not teach each and every element of the invention as claimed in claims 11-18, 21-32, 36, 37, 43-48, 50-52 and 58-60.

Lawler discloses a television program reminder for an interactive cable television system that allows a viewer to select a specific program from a program guide generated remotely from the viewer. Florin discloses a system that displays an icon on broadcast advertisements that, when activated, shows the viewer information about the advertised products. Both the icon and the broadcast advertisement are generated by a service provider that is remote from the viewer. Diehl discloses a system that extracts program information from a broadcast signal when a viewer presses a button during an advertisement for a future program. A VCR uses the extracted information to set a recording schedule for the future program. The advertisement and the program information are generated remotely from the viewer.

In contrast, Applicant's invention as claimed in claims 11-18, 21-32, 36, 37, 43-48, 50-52 and 58-60 issues a locally generated notification during broadcast of an advertisement of the program asking the viewer whether the viewer has interest in viewing the broadcast of the program. Because none of Lawler, Florin nor Diehl teach locally generating such a notification, the combination cannot be properly interpreted as teaching or suggesting each and every element of Applicant's invention as claimed in pending claims 11-18, 21-32, 36, 37, 43-48, 50-52 and 58-60. Therefore, Applicant respectfully requests the withdrawal of the rejection of the pending claims under 35 U.S.C. § 103(b) over the combination.

#### **Claims 49 and 57**

Claims 49 and 57 stand rejected under 35 U.S.C. § 103(a) over the combination of Lawler, Florin and Diehl in further view of Hendricks. Applicant respectfully submits that the combination cannot render Applicant's invention obvious because the combination of Lawler, Florin, Diehl and Hendricks does not teach each and every element of the invention as claimed in claims 49 and 57.

Claims 49 and 57 depend from claims 21 and 36, respectively. Because the combination of Lawler, Florin and Diehl do not teach each and every limitation of claims 21 and 36, Hendricks must teach or suggest the claimed elements missing from Lawler, Florin and Diehl to have a proper *prima facie* case of obviousness for claims 49 and 57. Hendricks discloses a system that receives broadcast signals and program information from a remote source. Once the user selects a program to record, the recording

information is stored locally. However, Hendricks does not teach or suggest issuing a locally generated notification during broadcast of an advertisement of the program asking the viewer whether the viewer has interest in viewing the broadcast of the program as claimed by Applicant in claims 21 and 36. Therefore, the combination of Lawler, Florin, Diehl and Hendricks cannot render obvious claims 49 and 57, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103 over the combination.

### **SUMMARY**

As a result of this preliminary amendment, claims 11-18, 21-32, 36-37, 43-52 and 57-60 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-3476.

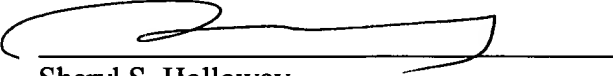
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP

Dated: July 10, 2003

  
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Sheryl S. Holloway  
Attorney for Applicant  
Registration No. 37,850

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-3476